

**REMARKS****INTRODUCTION**

In accordance with the foregoing, no claims have been amended. Claims 1-8 are pending and under consideration. No new matter has been added. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §102/103**

At page 2, claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Lo (US 6,493,880) (hereinafter "Lo"). This rejection is traversed and reconsideration is requested.

Lo discusses an elastic headwear that comprises a cap 10 having a crown portion formed by a multi-gore shell 11. The multi-gore shell 11 is formed by a plurality of gores 12, 13, 14, 15, 16 and 17. An arched bill portion 18 is secured to a forward edge of the multi-gore shell 11 and extends outwardly therefrom. All gores (12, 13, 14, 15, 16 and 17) are composed of a uni-axially stretchable woven fabric, stretchable in a chordial direction around the head. Lo, column 3, line 61 - column 4, line 3. The crown of the cap and the outer surfaces of the bill are made of a woven or a knitted fabric that has a 6 cm range of stretchability at the length of 60 cm in the weft direction. Examples of fabrics commercially available include a stretchable cotton twill, a stretchable wool blend, a knitted fabric made of cotton or a synthetic fiber yarn with a small amount of spandex in the weft direction, and a material of blended spun yarn with 70% polyester and 30% wool with a small amount of spandex or the like in the weft direction. Lo, column 4, line 64 - column 5, line 12. At least a plurality of the gores in the front are composed of a stretchable fabric backed with a stiffening material. Lo, column 6, lines 35-38.

**Claims 1-7**

Claim 1 recites: "...at least one piece among the side pieces and rear pieces being made of a stretchable warp knitted mesh which comprises at least one non-covered stretch yarn and a plurality of non-stretch yarns...wherein the non-covered stretch yarn and the plurality of non-stretch yarns are provided in rows without being twisted with each other." In contrast to claim 1, Lo discusses elastic headwear in which the front gores are composed of stretchable fabric backed with a stiffening material, such as nylon web. Further in contrast to claim 1, the crown discussed in Lo is not made of a stretchable warp knitted mesh, but is made of a woven or knitted fabric. Still further in contrast to claim 1, Lo does not discuss the arrangement of the non-covered stretchable yarn and plurality of non-stretch yarns. Claim 1 recites the stretchable warp knitted mesh wherein the non-covered stretch yarn and the plurality of non-stretch yarns

are provided in rows without being twisted with each other. Lo fails to discuss this feature of claim 1.

Claim 2-7 depend from claim 1 and are therefore believed to be allowable for the foregoing reasons. Further, claims 2-7 include additional features that are not taught or suggested by the prior art. For example, claim 3 recites that the non-covered stretch yarn is preferably selected from a non-covered spandex yarn and a textured yarn.

Withdrawal of the foregoing rejection is requested.

#### **Claim 8**

Claim 8 recites: "...at least one of the second portion and the third portion comprising a stretchable warp knitted mesh." In contrast to claim 8, Lo discusses elastic headwear in which the front gores are composed of stretchable fabric backed with a stiffening material, such as nylon web. Further in contrast to claim 8, the crown discussed in Lo is not made of a stretchable warp knitted mesh, but is made of a woven or knitted fabric.

Withdrawal of the foregoing rejection is requested.

#### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

6/27/5

By: \_\_\_\_\_



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